City of Lafayette Staff Report

For:	City Council
By:	Greg Wolff, Senior Planner
Date Written:	July 22, 2008
Meeting Date:	July 28, 2008
Project:	**GP01-05 / RZ01-05 BRUCE TORQUEMADA, LAFAYETTE PROPERTIES, (APPLICANT & OWNER), R-15 ZONING:** Lafayette Park Terrace – Proposed 20-Unit Condominium Project at 3235 Mt. Diablo Court, a 2-acre site at the terminus of Mt. Diablo Court. APNs: 233-131-020 & 022

STATUS

The City Council considered last considered this project on July 14, 2008 and continued the matter to July 28, 2008 requesting the following:

1. **Response to the letter from Lynn Hiden suggesting the site may not be appropriate for multiple-family residential development because of landslide & earthquake hazard.**
   Staff requested input from the City Engineer on Ms. Hiden's letter along with the Geotechnical Exploration, prepared by EnGeo. The City Engineer asked Engeo to review Ms. Hiden's letter and prepare a response for his review. The response from Engeo is forthcoming and will be provided to the City Council as soon as it is received.

2. **More information on the potential impact of excavation on the redwood trees along the western property line.**
   The project arborist is preparing a response review specific to this question which will be reviewed by the City's consulting arborist. The response from the project arborist is forthcoming and will be provided to the City Council as soon as it is received.

3. **Information on whether a crosswalk will be part of the signal design at Mt. Diablo Boulevard & Mt. Diablo Court.**
   The Circulation Commission recommends a crosswalk & pedestrian phase as part of the signal (when triggered by a pedestrian). A new condition S10, could be added stating that there will be a crosswalk and pedestrian phase as part of the signal.

4. **Each City Council Member desired to visit the Lafayette Pointe condo units closest the project to view the story poles from the units.**
   Planning staff has coordinated site visits by Council Members to the Lafayette Pointe condominium units closest to the Lafayette Park Terrace project - Ms. Skovgard (Unit 31) and Andrey Yankin (Unit 30).

9A

RECOMMENDATION

(1) Take testimony from the applicant & public; review responses on items listed above
(2) Continue the matter to August 11, 2008 for the second reading of the Ordinance and adoption of the Mitigated Negative Declaration / approval of the Project subject to conditions.

ATTACHMENTS

1. Letter from Carol & Mike Gray, 3234 Alta Lane • July 21, 2008
2. Letter from Linda Murphy, 1025 Buchan Drive • July 21, 2008
3. Letter from David & Vivienne Portnoff, 3323 Alta Lane • July 21, 2008
4. Letter from Becky & Jeff Courter, 1059 Pleasant Hill Road • July 22, 2008

July 21, 2008

RECEIVED
JUL 21 2008
CITY OF LAFAYETTE

Lafayette City Council
3675 Mt. Diablo Blvd. Suite 210
Lafayette, CA 94549

Re: Development and rezoning on Mt. Diablo CT (GPO1-05/RZ01-05)
APNs: 233-131-020 & 022

Dear Mayor and City Council Members,

First of all, thank you for considering carefully this proposed development, and for continuing on into the late hour at the last meeting on July 14.

We have, in past letters and in attendance at Design Review and Planning Commission meetings, expressed many concerns about the proposed development. We continue to have the same concerns, and feel that due diligence on the part of the City and the developer is needed to ensure that this proposed development, if approved, will be a successful project which will be appropriate, completed, and well maintained, ten years and further in the future.

One question which came up at the July 14 meeting was what changes in size had been made since this was last considered in September of 2007. I have attached excerpts, cut and pasted, from two documents which address this question. The fist is a letter from GagenMcCoy, received August 27, 2007, for the City Council Hearing September 10, 2007. In this letter, on the second page, it is stated:

"unit count has reduced the **mass and square footage of the residential building**... to **36,539 sq. ft.** ... and has reduced the **height** of the project... **to 49 ft."**

In the Staff Report EXECUTIVE SUMMARY of July 14, 2008, page 2, under PROJECT DATA, BLDG FLOOR AREA SUMMARY:

1st Floor: 11, 421 SF
2nd. Floor: 22, 105 SF

This is a total **of 33, 526 sq. ft**. for the residential building, a **decrease of only 3,015 square feet**.

The EXECUTIVE SUMMARY states that **the height now measures 43 feet**. This is as of July 14, 2008. In the letter from GagenMcCoy, dated August 27, 2007, the height was stated to be **49 ft.** This **height is only six feet lower than the height proposal in September**.

Again, please note our earlier concerns, primarily those relating to changing the nature of Lafayette from semi-rural and residential; removing natural hillsides, and failing to prepare a properly documented EIR. We are also concerned with the precedent this might set. The General Plan and current zoning should not be changed without careful consideration.

Thank you and we appreciate you efforts in considering these issues,

Carol & Mike Gray

Carol & Mike Gray
3234 Alta LN, Lafayette

Carol & Mike Gray
Page 2 of 2, 07/21/08

Via Hand-Delivery on 8/27/07
Mayor Carol Federighi
City Council
City of Lafayette
3675 Mt. Diablo Blvd.
Lafayette, CA 94549

Re: GP01-05/RZ01-05: General Plan Amendment at Mt. Diablo Court
Bruce Torquemada, Lafayette Properties
City Council Hearing September 10, 2007

Dear Mayor Federighi and City Council members:

The Project Has Been Significantly Reduced

Through all the meetings and public hearings, Lafayette Properties took very seriously the comments made at the Joint Study Session. Through this application process, the underlying project has been reduced from 40 units, down to the currently proposed application of 28 units.[2] This significant reduction in unit count has reduced the mass and square footage of the residential building (from *52,000 sq. ft* down to *36,539 sq. ft.*), and has reduced the height of the project (from *65 ft.* to *49 ft*).

[1] The views of the City Council, Planning Commission and Design Review Commission are set forth in the Minutes of the Joint Study Session of April 24. 2006, and are further summarized in the Staff Reports for each hearing thereafter.
[2] Lafayette Properties proposed 40 units as part of its pre-application process with staff. At the time of the Joint Study Session, we showed an illustrative project of approximately 32 condominiums and common area.

F:\clmla\37343\CC01.ltr.doc

City Council
Staff Report

GP01-05 Lafayette Park Terrace
July 14, 2008

The northern lot is relatively flat and has an existing single-family residence which will be removed as part of the project. The southern lot is an up-sloping hillside from north to south and is currently vacant. From the existing house pad at elevation 280', the hillside slopes up to an elevation of 350' over a distance of 235-ft. yielding an average ~30% slope along this section.

HEIGHT
Section 6-313 LMC defines building height as "the vertical distance between the average of the highest and lowest grade at the lowest foundation wall (measured at existing grade or finished grade, whichever is lower) and the (1) highest point of a flat roof or (2) deck line of a mansard roof or (3) average height of the highest gable of a pitched or hip roof." Using this definition, the building height is measures 43-ft. (reduced from ~56-ft. in the three-story, 32 & 28-unit designs). The calculation is based on existing grade at the entrance to the building which will be built up approximately 4'-5'.

PROJECT DATA:

BLDG FLOOR AREA SUMMARY:

Garage:	21,107 SF
1st Floor:	11,421 SF
2nd.Floor:	22,105 SF
Total:	54,633 SF

DWELUNG UNIT DISTRIBUTION:
1 Bedroom - 3 Units
753 SF to 997 SF

2 Bedroom - 11 Units
1084-SF to 1551 SF

3 Bedroom - 6 Units
1552 SF to 1993 SF

Source: LPT Project Plans, Sheet A-1

Gray Page 2 of 2 07/21/2008

July 21, 2008

RECEIVED
JUL 21 2008
CITY OF LAFAYETTE
PLANNING DEPT.

To: Lafayette City Council
From: Linda Murphy
Re: Lafayette Park Terrace – Proposed Project

I attended the July 14 meeting about the proposed general plan amendment and proposed new condo project at Mt. Diablo Court. As you know, it was a long meeting. Although I was able to spend several hours attending the 7/14 meeting, I will not be able to attend the 7/28 meeting. I have two comments I would like you to consider:

One: The visibility of the propose project both from the hwy 24 offramp at Pleasant Hill Road south and from Deer Hill Road is masked largely by the group of trees that border the freeway offramp. Those trees do not appear healthy at all. Additionally, those trees are not on the property where the proposed development is to occur. When those trees die or are removed, the project will have a far greater visual impact than anyone anticipates. If this project is going to be approved, I urge you to require as a condition of approval planting of vegetation/screening on the parcel to block views from the offramp and Deer Hill Road. The planting of new trees should be required before the project is started, in order to give a head start to their growth. It appears that the council's primary concern is the impact on the immediate neighbors, but the planting to screen from neighbors does not address the wider visual impact of the project on the community. Although I support the concept of multifamily dwelling at this parcel and agree with staff on several reasons, given the bulk and mass of the proposed project, I oppose this current plan. Proposed alternatives would be two smaller buildings or downsizing individual condo units, whose current square footages exceed many of the houses in the area. Both would reduce the bulk and height of the project.

Two: The proposed traffic signal should be separately noticed and heard at public meetings. Residents of Lafayette are very sensitive about installation of new traffic signals. Many people who are entirely unaware of the proposed new signal at Mt. Diablo Blvd. and Mt. Diablo Court. The signal itself was not separately notice and advertised as stand alone item; rather it was of circulation meetings in late 2006/ early 2007, with the first meeting advertised about the circulation related to the project, and, of course, no additional notice was required for the second meeting. Installing a signal on such a prominent street in the city and such a large undertaking involving

expenditure of $75,000 of the city's redevelopment money and continuing funding by the city to maintain and operate the signal warrants that it be separately noticed and heard. I also think that the project has changed substantially from the original proposed project, which would also warrant a new circulation hearing on the proposed traffic signal.

The public comment and discussions related to other items at the July 14 agenda serve as a reminder that many residents are unfamiliar with how the city council operates. Many think these decisions are made without adequate public notice and input. Although the traffic signal technically was noticed, the notice was buried under a title related to a condominium project, making unlikely that many would have continued reading the fine print to realize it included a potential traffic signal.

I would strongly urge the city council to request the circulation commission to conduct a new hearing on the proposed installation of a traffic signal, which will be the fourth in a row – each just 1/10 of mile apart.

I attended the entire discussion of the project at July 14 meeting, and I think these two items warrant further discussion at next Monday's meeting. Thank you.

Thank you.
Linda Murphy
1025 Buchan Drive, Lafayette

3233 Alta Lane
Lafayette
CA 94549
July 21 2008

RECEIVED
JUL 2 1 2008
CITY OF LAFAYETTE

City Council
City of Lafayette
CA 94549

Dear Lafayette City Council Members,

Re: RE: GP01-05 RZ01-5 Lafayette Park Terrace proposed condominium project at the end of Mt. Diablo Court.

Many thanks for the time you have spent in listening and considering the impact of this project. We are writing to you today because we remain strongly opposed to this development primarily because of its location.

The intended location is a residential zone and all of the current homes in this area are single family residence. The design of this massive project fails to blend into the neighborhood and will therefore significantly change this entry into Lafayette from a green, tree lined exit to a standard overbuilt city exit. We do not believe this is beneficial to our immediate neighborhood or Lafayette as a City.

Furthermore the location and design means the building will be highly visible to the immediate neighbors whom will be severely impacted. We believe the development will drastically change their views and privacy, diminishing their quality of life. In addition, the current residents purchased their homes believing this would remain a residential zone as defined by the General Plan.

We understand there are additional plans for condo developments throughout Lafayette. Many of the proposed locations seem more

appropriate, for example, locations in non residential zones, close to BART and downtown.
These developments appear to have less negative impact on their neighbors (and Lafayette) than that of the Lafayette Park Terrace proposal. We hope the City Council will consider the neighbors of the proposed Park Terrace and the impact on their quality of life, pursuing instead the possibility of these alternative proposals to meet the housing demand in Lafayette.

Thank you again for your time and consideration.

Yours sincerely,

David and Vivienne Portnoff

Robbins, Joanne

From: Becky Courter [bekka2c@gmail.com]
Sent: Tuesday, July 22, 2008 8:47 AM
To: Robbins, Joanne
Subject: Bruce Torquemeda Development - Lafayette Park Terrace

RECEIVED
JUN 2 2 2008
CITY OF LAFAYETTE
PLANNING DEPT.

Members of the City Council

We would like to invite you again to come by our home and see the story poles for this project from our house and from our backyard to get a full understanding of the impact this will have on us.
Even though this does not impact our sight line views, this is still an imposing building that sits only feet from our property line and will have an impact on our privacy. Especially since they developer has added balconies that will be seen from our backyard.
Jeff is typically available all day if you would like to come by or feel free to call him at 925-324-0000

Thank you for your time.

Becky & Jeff Courter
1059 Pleasant Hill Rd
Lafayette, CA